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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,376	12/28/2004	Hideto Kobayashi	P26451	2854
7055 7590 10/29/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
TOPGYAL, GELEK W				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
10/29/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/518,376

**Applicant(s)**

KOBAYASHI, HIDETO

**Examiner**

GELEK TOPGYAL

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 6/19/2009 have been fully considered but they are not persuasive.
2. In re page 9, the applicants present the argument that Klemets fails to teach the existence of a verification file, a verification file confirmer that confirms whether the AV data file and the verification file mutually correspond. Based on these arguments, the applicants further argue that Klemets fails to teach a converter method determiner that determines the stream converter based on the verification file.
3. In response, the examiner respectfully disagrees. The examiner would like to further elaborate on the rejection. Klemets' system includes an encoder that is given the task of converting/encoding video and audio in separate formats (see col. 6, line 1-4). Each of the video stored on the server 14 or the file system 108 have an associated number of files in the "Streaming media format header" in the form of a Content Description list/file and stream identifiers. Upon initial request (col. 8, line 1 RTSP DESCRIBE) by a client 106 to the server 104, the server 104 sends presentation description information to the client 106 in the form of the above "Streaming media format header" in a SDP message (see col. 7, lines 31-36). Further onwards, once the client selects one or more particular stream(s) through a RTSP SETUP request, the stream ID that corresponds to a particular stream is used by the server 104 to encode/transmit the corresponding stream to the client 106. So in conclusion, the verification file is met by the data that is stored in the "Streaming media format header"

used to identify and correlate a corresponding stream media file. Hence upon selection of a particular stream by the client 106, the server 104 (and its internal components) perform the function of a “verification file confirmer” to make sure that the request corresponds to a particular stream and thereafter encode/transmit the stream to the client. Therefore, Klemets system does in fact teach all the limitations in claim 1.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-11 and 13-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Klemets et al. (US 7,451,229).
6. **Regarding claims 1, 5 and 11**, Klemets et al. teaches an AV data conversion method/apparatus/computer readable medium comprising:

a verification file confirmation means for reading an AV data file containing AV data including video information and audio information (col. 6, lines 24-54 teaches the generation of streaming media files in different formats and also to include a plurality of different metadata to be included in a header. This means is implemented when a user requests a particular stream as discussed in col. 7, lines 24-62), and a verification file (“Streaming media format header” in a SDP message in col. 7, lines 31-36) for the AV

data file, and confirming if the AV data file and verification file mutually correspond (see the discussion above in paragraph 3);

a plurality of stream conversion means for changing the AV data to a specific format (col. 7, lines 24-62 teaches of a plurality of streams available to be broadcast);  
and

a conversion method determining means for selecting from among the plural stream conversion means at least one stream conversion means for changing the AV data to the specific format based on verification file content (col. 8, lines 15-47 teaches that once a stream format is chosen by a user (RTSP SETUP request), the specific stream (including "content description") is transmitted to the user. It is to be noted that the encoder's operation can be in real-time and therefore the conversion takes place (col. 6, lines 50-54)).

As to claim 11, Klemets et al. teaches in col. 13, lines 56+ of computer storage media that includes computer executable instructions for performing the functions of a server.

**Regarding claim 2**, Klemets et al. teaches the claimed wherein the verification file contains AV data attributes from when the AV data file was created (col. 6, lines 24-54 teaches of creating metadata when the streaming media files are created); wherein the verification file confirmation means comprises: an AV data attribute extraction means for extracting AV data attributes from the read AV data file; and a comparison means for comparing the AV data attributes extracted by the AV data attribute extraction means with the AV data attributes contained in the verification file (as

discussed in claims 1, 5, 11 and 12 above, when a user requests a particular stream, the server receives the request (RTSP SETUP request). Then in col. 8, lines 30-34 the server sends the requested stream to the user); and wherein the stream conversion means converts the AV data to the specified format only when the comparison means confirms an attribute match (as discussed in claims 1, 5, 11 and 12 above).

**Regarding claim 3**, Klemets et al. teaches the claimed as discussed in claims 1, 5, 11 and 12 above since the metadata can include data in the form of "Titles" or "Authors" which identifies a vendor.

**Regarding claim 4**, Klemets et al. teaches in col. 7, lines 1-14 of the ability to generate a new/updated metadata meets the claimed ability to generate a verification file when it is not presently readable (since the server determines that it shouldn't be used anymore).

**Claims 6 and 7** are rejected for the same reasons as discussed in claims 2 and 4 above.

**Claims 8, 10, 13-15** are rejected for the same reasons as discussed in claims 3 above.

**Independent claim 9** is rejected for the same reasons as discussed in the claims 1, 2 and 4 above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621